

REMARKS

In the Office Action, a restriction requirement under 35 U.S.C. 121 was issued, which required an election between ten (10) groups of claims, in particular between the device claims of Groups I - VII and the method claims of Groups VIII - X. In response, applicants provisionally elect, with traverse, the Group VIII claims for examination at this time.

It is believed that the current restriction requirement is in error and should be withdrawn. Claims 1-22 are directed to a cutting device having certain features, and claim 1 is an independent claim that is generic to each feature. Also, claims 23-31 are method claims that are covered by generic independent claim 23. There is no indication in the office action that the various subgroups created for the dependent claims are classified in different areas or are so unrelated to the subject matter of the generic claim as to require that a separate application be filed for such claims. To follow the current approach for making restriction requirements, any application with more than one claim could be restricted.

Rather than restricting to different claims, restriction requirements are properly made for different inventions. Different inventions require that the claimed subject matter be independent and distinct. For example, it would be appropriate to restrict between method and apparatus inventions provided that there is no common feature being claimed in each embodiment. Here, however, each claim recites the combination of a blade that is used to contact a substrate for inducing a cleaving wave therein, with the blade being operatively associated with a positioning member that prevents movement of the substrate. Thus, the inventions are not independent and distinct to require restriction.

Furthermore, it is respectfully submitted that a proper search of the art with respect to the features presented in claims 1 and 23 will, of necessity, include a review of art that would include the additional features described in the dependent claims. As there is no additional burden on the Examiner to conduct such as search, the restriction is believed to be improper and should be withdrawn, so that all claims can be examined together at this time.

In order to be responsive to the current action, however, applicants hereby elect the claims of Group VII for prosecution herein and note that claim 23 is generic while claim 30 is specifically directed to this embodiment.

Finally, applicants submit a Supplemental Information Disclosure Statement to submit a new reference that has come to their attention. It is believed that this reference is not relevant to the patentability of the claims.

Applicants believe that application is now in condition for allowance. The issuance of a notice of allowance is respectfully requested.

Respectfully submitted,

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